

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: :
 : Case No. 10-36891
DILLEY, MICHAEL M. : Chapter 7
DILLEY, LISA M. : Judge Lawrence S. Walter
 :
Debtors.

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE
PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtors certain tangible personal property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

October 5, 2011

/s/ John Paul Rieser

Date of Issuance

John Paul Rieser, Esq.

NOTICE OF PROPOSED SALE /DISPOSITION

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtors in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtors.

The property at issue is a 2004 Saturn Vue (“Vehicle”) scheduled by the Debtors. The Debtors scheduled the value of the Vehicle as \$6,195.00. The Trustee determined the value of the Vehicle to be \$6,450.00 based on the average of the NADA average trade in value (\$4,975.00) and the NADA clean retail value (\$7,925.00). From this value, the Trustee deducted (1) Debtors’ exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,090.00; (2) the average cost of sale amount of \$360.00¹. The non-exempt equity owed to creditors for the Vehicle is \$2,000.00 and the Debtors have paid this amount to the Trustee. The Trustee believes that disposing of the Vehicle by permitting the Debtors to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

WHEREFORE, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

¹ This condition adjustment is based on Trustee’s experience in selling vehicles at auctions in the current market environment.

Respectfully yours,

/s/ John Paul Rieser

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT** was served this 5th day of October, 2011, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Edward J Boll sohbk@lsrlaw.com

Joyce M Deitering JDeitering@aol.com, jragan@bizwoh.rr.com

/s/ John Paul Rieser

John Paul Rieser [lrs/753]

Label Matrix for local noticing
0648-3
Case 3:10-bk-36891
Southern District of Ohio
Dayton
Tue Oct 4 13:23:44 EDT 2011

E*trade
2730 Liberty Ave
Pittsburgh, PA 15222-4704

Jennifer Heller
PO Box 5480
Cincinnati, OH 45201-5480

Standard Register Federal Credit Union
P.O. Box 1167
Dayton, Ohio 45401-1167

Joyce M Deitering
8801 North Main Street
Suite 200
Dayton, OH 45415-1380

United States Bankruptcy Court
120 West Third Street
Dayton, OH 45402-1872

GE Money Bank
PO Box 960061
Orlando, FL 32896-0061

Pnc Mortgage
3232 Newmark Dr
Miamisburg, OH 45342-5433

Tom and Natalie Bailey
141 Meadowrun Rd.
Englewood, OH 45322

Lisa M. Dilley
807 W. Martindale Rd.
Union, OH 45322-2925

Asst US Trustee (Day)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

GE Money Bank
c/o Recovery Management Systems Corporat
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

Standard Register Fcu
175 Campbell St
Dayton, OH 45417-3974

John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

Michael M. Dilley
807 W. Martindale Rd.
Union, OH 45322-2925

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)PNC Bank National Association

End of Label Matrix
Mailable recipients 14
Bypassed recipients 1
Total 15